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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Robert S. Silvers
Application No. : 08/957,833
Filed : October 27, 1997
For : DIGITAL COMPOSITION OF A MOSAIC IMAGE
Examiner : NOT ASSIGNED
Attorney's Docket : RTI-001XX

Group Art Unit: 2772

I hereby certify that this correspondence is being deposited with
the United States Postal Service as first class mail in an envelope
addressed to: Assistant Commissioner for Patents, Washington,
D.C. 20231 on 10/30/98

By: Emilia

Eugene A. Feher

Registration No. 33,171.

Attorney for Applicant

REQUEST FOR RECONSIDERATION OF PETITION TO MAKE SPECIAL

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This communication is in response to a Decision on Petition to

• Make Special mailed September 25, 1998. Applicant respectfully requests reconsideration of the Petition to Make Special. In support of this request, Applicant submits the enclosed

- 1 -

Received

DEC 01 1998

Group 2700

Application No.: 08/957,833
Filed: October 27, 1997
Group Art Unit: 2772

Supplemental Declaration of inventor Robert S. Silvers, including as Exhibits (A) through (D) various materials in support of the statements and conclusions presented in the Supplemental Declaration.

Favorable action is respectfully requested.

Respectfully submitted,

ROBERT S. SILVERS

By:


Eugene A. Feher
Registration No. 33,171
Attorney for Applicant(s)

WEINGARTEN, SCHURGIN, GAGNEBIN
& HAYES LLP
Ten Post Office Square
Boston, MA 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

Dated: 10/30/98

EAF/JT
Enclosures

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By:

Eugene A. Feher
Registration No. 33,171
Attorney for Applicant

SUPPLEMENTAL DECLARATION OF ROBERT S. SILVERS IN SUPPORT OF
PETITION TO MAKE SPECIAL

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Received
DEC 01 1998
Group 2700

I, Robert S. Silvers, hereby declare the following:

1. I am the inventor of the presently claimed subject matter in the above-identified patent application.

2. In a previous Declaration, I identified an infringing product presently available on the market known as the LEADTOOLS, made and sold by LEAD Technologies, Inc. Since making that previous Declaration, I have become aware of another infringing product that has become available on the market. This second product is known as PHOTOMONTAGE, made and sold by ARCSOFT, Inc.

3. Attached to this Declaration as Exhibit A is a LEAD Technologies press release dated July 6, 1998, which announces the release of LEADTOOLS version 10. According to the press release LEADTOOLS version 10 includes a feature referred to as "Picturized Algorithm" that allows a user to create one picture from thousands of separate images. The images are chosen and resized automatically to closely match corresponding areas of the picture being created. Also attached as Exhibit B is a print advertisement of Leadtools 10 that also refers to Picturized Algorithm.

4. I have made a rigid comparison of the operation and resultant products of the LEADTOOLS, as understood from the information in Exhibits A and B, with the claims of the above-identified application.

5. In my opinion, some or all of the claims of the above-identified application are infringed by the LEADTOOLS Picturized Algorithm.

6. Attached to this Declaration as Exhibit C are several pages from the ARCSOFT, Inc. site on the World-Wide Web obtained on October 7, 1998. These web pages describe a new product called

PHOTOMONTAGE as an imaging software program that creates a "mosaic" of a single image from a library of images. A graphic at the top of one of the PHOTOMONTAGE web pages shows an image of a girl's face created from numerous smaller images, as indicated by a blow-up of one section of the larger image.

7. I have purchased and reviewed the PHOTOMONTAGE product. Attached hereto as Exhibit D is a photocopy of the front and back of the box in which the PHOTOMONTAGE product is packaged.

8. I have made a rigid comparison of the operation and resultant products of PHOTOMONTAGE, as understood from the material of Exhibit C as well as my review of the product itself, with the claims of the above-identified application.

9. In my opinion, some or all of the claims of the above-identified application are infringed by the ARCSOFT PHOTOMONTAGE product.

10. I have a good knowledge of the pertinent prior art and in addition have made or caused to be made a careful and thorough search of the prior art.

11. I believe that all of the claims in the application are allowable over the prior art of record.

Application No.: 08/957,833
Filed: October 27, 1997
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The foregoing statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that any such willful false statements may jeopardize the validity of the above-identified application or any patent issued thereon. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true.

Date: October 28, 1998

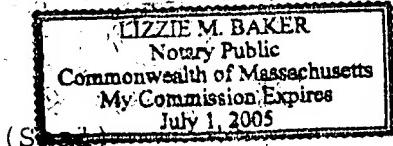
Robert S. Silvers
Robert S. Silvers

Subscribed and sworn to before me by the above-named Robert S. Silvers this 28th day of October, 1998.

Lizzie M. Baker
Notary Public

My Commission Expires:

July 1, 1998



129244



Exhibit A

PRESS CONTACT:

Catherine Whitten

Marketing Manager

704/332-5532, ext. 1245

catherine@leadtools.com**FOR IMMEDIATE RELEASE**

LEAD TECHNOLOGIES ANNOUNCES THE RELEASE OF LEADTOOLS 10

Charlotte, NC (July 6, 1998) – The latest version of LEAD's award-winning line of imaging toolkits includes new features, C documentation for programmers wishing to develop with an ActiveX control in Microsoft Visual C++ and Microsoft Foundation Classes, and an unprecedented product line offering which aligns LEAD's imaging toolkits with specific vertical markets, allowing developers to easily choose the best imaging toolkit to fit the requirements of their application.

"LEADTOOLS already offers users the most innovative and technically superior imaging toolkits on the market today," said Rich Little, president of LEAD Technologies, Inc. "In response to our customer's requests, we have extended our already huge feature set, and have built version 10 into a product line that will give developers in specific vertical markets like Document Imaging, Medical Imaging and Multimedia Imaging a comprehensive toolkit to meet their specific needs."

Some of the new features added to LEADTOOLS version 10:

- Screen Capture capabilities becomes the 15th imaging technology category found in LEADTOOLS - provides functions for capturing all or part of the screen into a bitmap. Capture the entire screen, active window, menu under cursor, window under cursor (button, tool bar, icon, or client area), selected object, mouse cursor or wallpaper. Allows for capture of a selected area of the screen in a wide array of shapes such as rectangle, rounded rectangle, ellipse, polygon or freehand. Icon, bitmap and cursor resources can be captured from 16 or 32-bit Windows EXE and DLL files. Options include Multi-capture with callback, Hot Keys, and time interval. Great for presentation and application documentation.
- • Picturized Algorithm – an Image Processing feature that allows a user to create one picture from thousands of separate images. Automatically chooses (based on closest color values) and resizes the images and shows the processing progress. Allows for customization of cell sizes. This feature lets user's create a wide array of exciting new eye-catching images. The more pictures you have to choose from, the better the resulting image.
- Pan Window – gives the user the ability to view a small rectangular section of a large image in magnified detail. By clicking inside the pan window the user

can move the mouse and pan the image in the main window. While scrolling the image in the main window, the pan rectangle will move to indicate the current displayed area.

- Added File Format Support – including the new Fuji Exif version 2.0, multipage TIFF enhancements (delete, insert, replace, and add with enhanced speed). LEAD continues to deliver the most comprehensive file format support by expanding the number of flavors and variants supported in the following file formats: PICT, JPEG, GIF, WINFAX, PCX, CALS, AWD, FlashPix, DICOM, EPS and PNG.
- Imaging Common Dialogs – expanded to include imaging dialogs for Paint Effect, Transition, Gradient, 3D Text and 3D Shape.
- Special Effects - expanded to include a choice of over 2000 paint effects, 36 gradients, 80 shapes, 12 3-D text styles, 64 dissolves, and 43 transition effects, with delays, grain sizes, pattern brushes and a colored wand.
- OCR Enhancements – Including the ability to return the recognized character and its location in the document during the recognition process.
- Improved ISIS® support – Ability to display ISIS settings dialog without scanning.
- Many of the 60+ Image Processing functions have been fine tuned to deliver increased speed and accuracy.
- C- Documentation for ActiveX – fully documented for C to allow for easier development using ActiveX control in Visual Basic, Visual C++ and MFC.

LEADTOOLS new product line-up:

LEADTOOLS Imaging - (16 and 32 bit ActiveX) - LEADTOOLS popular ActiveX imaging toolkit allows developers a choice between a 16 bit or 32 bit development environment and includes C documentation.

LEADTOOLS Multimedia - (16/32 bit ActiveX) - Expands LEADTOOLS Imaging toolkit to include more extensive Multimedia capabilities in three areas - Video, Capture and Internet.

LEADTOOLS Imaging Pro - (16/32 bit ActiveX and DLLs) - Offers DLL programming interface for programmers looking for greater flexibility and control at lower levels.

LEADTOOLS Multimedia Pro - (16/32 bit ActiveX and DLLs) Expands LEADTOOLS Imaging Pro toolkit to include more extensive Multimedia

capabilities in three areas - Video, Capture and Internet. DLL programming interface allows for greater flexibility and control at lower levels.

LEADTOOLS Document Express - (16/32 ActiveX and DLLs) - A document imaging toolkit that offers developers all of the imaging technology that is found in the LEADTOOLS Imaging and Multimedia toolkits as well as extra features, which have been chosen and optimized to meet the specific demands of the document imaging market. (formerly the LEADTOOLS Pro Express)

LEADTOOLS Document Express Suite - (16/32 ActiveX and DLLs) - A document imaging toolkit that offers developers all of the imaging technology that is found in the LEADTOOLS Document Express toolkit as well as Xerox TextBridge® enabled Optical Character Recognition.

LEADTOOLS Medical Express - (16/32 ActiveX and DLLs) - Offers developers color, document and multimedia imaging as well as additional features, which have been chosen and optimized to meet the specific demands of the medical imaging market.

About LEADTOOLS

LEADTOOLS offers imaging technology in 15 general categories: scanning, color conversion, display/special effects, annotations, image processing, compression, image format import/export filters, Internet imaging, database imaging, printing, multimedia, Imaging Common Dialogs, OCR, FlashPix format and screen capture. The result of eight years of development, the toolkit literally puts millions of lines of code at the fingertips of application developers. Included with the toolkit are extensive sample source code examples for C/C++, MFC, Visual Basic, Visual C++, C++ Builder, Visual FoxPro, Access, Delphi, VB and Java script (16 and 32 bit versions supported in each compiler/product).

-###-

LEAD Technologies, the developer and publisher of LEADTOOLS imaging toolkits, has been developing and supplying imaging toolkits to programmers for eight years. LEAD produces code that is mature, stable, easy to use, and optimized for high performance. After eight years of working with thousands of programmers, LEAD understands that issues such as documentation, function samples, example source code, and timely technical support, are very important to a developer. These non-object code components can make the difference when meeting a deadline, or when trying to win Best of Show. LEAD's mission is to provide the best color, grayscale, and document imaging developer toolkits to programmers worldwide. LEADTOOLS' mature and stable code is backed up by a 30-day money-back

guarantee (US & Canada only) and FREE technical support is available via phone, fax, Internet or CompuServe.

TextBridge® is a Registered Trademark of the Xerox Corporation. ISIS® is a registered trademark of Pixel Translations, a division of Input Software, Inc. LEAD and LEADTOOLS are registered trademarks of LEAD Technologies, Inc. All other product names are trademarks of their respective owners..

[Back to LEAD Technologies' HomePage](#)

LEADTOOLS¹⁰

**Best Selling
Image Processing
Software**

REVIEW EVEN MORE FILE FORMATS

MOST COMPREHENSIVE
TIFF SUPPORT AVAILABLE!

JPEG	BMP/DIB
DICOM	PCX/DCX
EPS	AWD
AVI	WMF
ICO	WPG
CUR	WAV
IMG	MIDI
IOTA	MSP
MODCA	VDA
FAX	GIF
WINFAX	TIFF 6.0
CALS	-JPEG
GEM	-Packbits
PNG	-Huffman
PSD	-RLC
MAC	-LZW
Photo CD (PCD)	-CMYK
FlashPix (FPX)	-CCITT G3/G4
DCS	-Bitonal
Exif 2.0	-Grayscale
TGA	-RGB
RAS	-YCbCr
PCT	-CIELAB
CMP	and more!

For a complete list, visit our website.

IMAGE PROCESSING

TRANSFORMS

Including resize, resample (interpolated up to 101 degrees), flip, invert, rotate, crop, shear, transpose, intensity fill, auto deskew, and combine (with mathematical and Boolean operations).

FILTERS

Blurring, sharpen, blur, average, edge detection, emboss, mosaic, and many other filters. Spatial filters which can be pre-defined such as horizontal, vertical, gradient, shift and sheath. The segment of they can be combined.

TEXT

Text detection, extraction, and recognition. Includes support for Tesseract, Binar, Ellipse, and

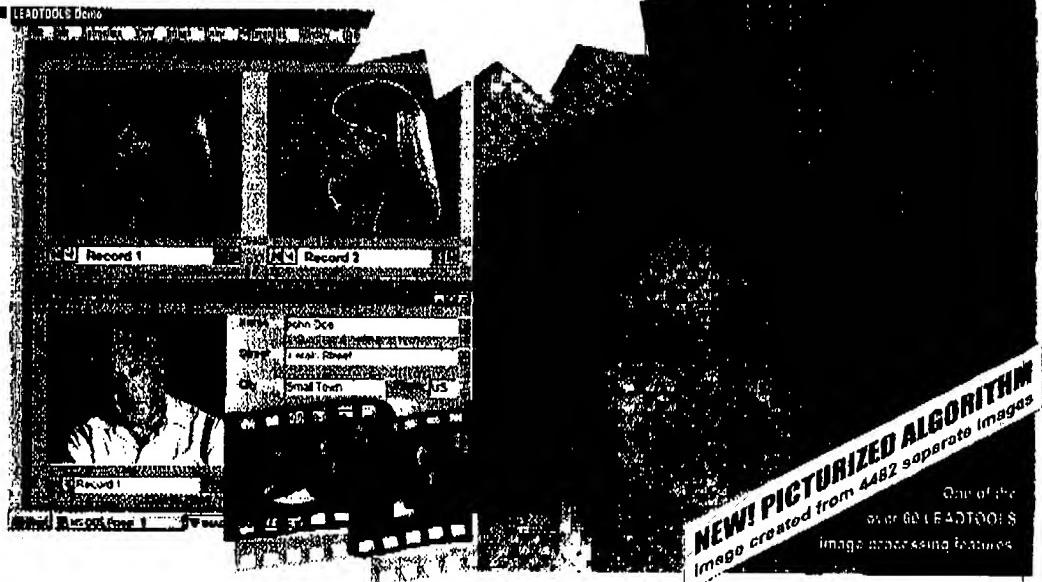
PRINTING

LEADTOOLS performs all image processing necessary to print directly to any Windows supported printer, with the ability to print text and multiple images on the same page.

MULTIMEDIA

VIDEO: Play/edit multimedia objects. Play/Stop/Pause, set balance, volume, play rate and time format. Edit existing multimedia objects, or create new ones. Copy, delete, insert, paste, replace frames, start/stop. AVI, MPEG1, MIDI, WAV and more are supported. CAPTURE: Audio/video. Streaming with frame rate, single frame, audio, (volume, level, formats, and muting) and device selection.

INTERNET: Create video, audio and data client server applications including video conferencing over the Internet/intranet.



LEADING technology in imaging development tools.

SCANNING

ISIS[®], and TWAIN with 16 and 32 bit native mode and buffered RAM transfer modes.

DISPLAY/SPECIAL EFFECTS

LEADTOOLS provides optimized rendering of any image to all display devices with monitor calibrations, auto-dithering, stretching, panning, zooming, scrolling, and animation. Choose from 2018 paint effects, 36 gradients, 80 shapes, 12 3D text styles, 64 dissolves and 43 transition effects, with delays, grain sizes, pattern brushes and a colored wand.

INTERNET/INTRANET

LEADTOOLS features Net Aware ActiveX with ASP support and a Netscape plug-in. Load Images from any URL. Support for Progressive JPEG / CMP, and special GIF flavors (Interface, transparency, animation, and text).

DATABASE

LEADTOOLS has specific features designed for the imaging database developer: VB data binding, 32-bit ODBC, a customized OLE 2.0 in place server, Load/Save memory, and Load/Save file offset.

PRINTING

LEADTOOLS performs all image processing necessary to print directly to any Windows supported printer, with the ability to print text and multiple images on the same page.

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"LEADTOOLS is an indispensable tool, we used it in the development of our FrontPage™ application."

Tom Button
Director of Marketing, Internet Solutions & Trade Shows
Microsoft

NEW! All new product line!
to better meet your Imaging
and development needs.

Stop by and see what's new at:

<http://www.leadtools.com>

900 Baxter St. Charlotte, NC 28204 704-332-5532 Fax: 704-372-8161 CompuServe: "GO LEADTECH"

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